IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 774 of 2002 (S/B)

Date of decision: 24th August, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Irshad Hussain.

- Whether the order/judgment should be sent to the reporters for reporting? ( )
-
- Whether the reporters be allowed to see the judgment? (Yes)

G

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 774 of 2002 (S/B)

Dinesh Chandra Pandey,
S/o Late M.N. Pandey,
R/o Construction Division,
U.P. Jal Nigam, Ram Nagar,
District Nainital,
Presently posted as Executive Engineer. ……. Petitioner

Versus

State of Uttaranchal,
Through Secretary (Pay Jal),
Govt. of Uttaranchal, Dehradun & others. …….. Respondents

Mr. K.S. Bora, learned counsel on behalf of the petitioner.
Mr. D.S. Patni, learned counsel for respondents No. 2 to 4.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

Date: 24th August, 2004

(Per Hon'ble the Chief Justice)

1. Heard Mr. K.S. Bora, learned counsel for the petitioner and Mr. D.S. Patni, learned counsel for respondents.

2. In this writ petition, the petitioner is challenging the transfer order dated 28.6.2002, whereby the petitioner has been transferred from Ram Nagar, District Nainital to District Almora.

2. In the said writ petition, the interim stay was granted in the month of July, 2002. Because of that stay order, the petitioner continues at Ram Nagar. The transfer of the petitioner from Lohaghat, District Champawat to Ram Nagar was on his own request probably because the petitioner's children were to be educated. Now, because of the stay order, the petitioner has continued here in Ram Nagar for more than two years.

3. In view of the influx of time, we will not, now, go into the correctness or otherwise of the transfer order and the petitioner also agrees for the same. However, if the petitioner is to be transferred

again, he should be transferred as per the policy of the Government.

4. With this observation, we dispose of this writ petition.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
24.08.2004 **24.08.2004**

G